

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____	:	
RGI BRANDS, LLC,	:	
	:	
Plaintiff/Counterclaim-Defendant,	:	CASE NO. 12 CV 1369 (BSJ) (AJP)
	:	
- against -	:	
	:	
COGNAC BRISSET-AURIGE, S.A.R.L.,	:	
	:	
Defendant/Counterclaim-Plaintiff.	:	
_____	:	

DECLARATION OF GEORGE O. RICHARDSON, III

George O. Richardson, III, under penalty of perjury, declares and states:

1. I am a member of the Bar of this Court and of Sullivan & Worcester LLP ("S&W"). I make this declaration in support of Defendant's counsel's motion to withdraw as counsel of record for defendant/counterclaim-plaintiff Cognac Brisset-Aurige, S.a.r.l. ("Defendant"). I am familiar with the facts set forth below.

Nature of this Action and Proceedings to Date

2. In this action plaintiff, RGI Brands LLC ("Plaintiff"), claims breach of a distribution agreement between Plaintiff and Defendant. Defendant has counter-claimed that Plaintiff unlawfully registered and used its trademarks in the U.S.

3. On February 23, 2012, Plaintiff filed its Complaint.

4. On August 1, 2012, Defendant filed its Answer to the Complaint and Counterclaim.

5. On November 16, 2012, the parties had a Settlement Conference with Magistrate Judge Andrew J. Peck.

6. On November 30, 2012, the Defendant filed an additional Answer to the Complaint and Counterclaim.

7. On December 10, 2012, the Plaintiff filed an Answer to the Counterclaim.

8. There has been no exchange of discovery in this case.

The Instant Motion

9. The undersigned, Mitch Stein, and S&W appeared as counsel of record on behalf of Defendant on July 25, 2012 and July 30, 2012 respectively.

10. Defendant has instructed S&W to stop work on the case, and to take no further action on its behalf.

11. In addition to Defendant's instruction to stop work on the case, which hinders counsel's ability to perform services necessary to the representation, Defendant has not paid S&W's bills. S&W has sent Defendant bills approximately every month. Defendant has not paid S&W's bills since September, 2012, and has indicated that it is not in a position to pay the bills.

12. As a result of Defendant's instruction, in addition to its non-payment of S&W's bills, S&W cannot act on behalf of the Defendant and maintain a functional attorney-client relationship.

13. The undersigned informed counsel for Plaintiff of the intention to make the instant motion. Plaintiff's counsel informed the undersigned that Plaintiff neither consents to nor opposes the relief sought.

14. Based on the above, I respectfully request that the Court grant S&W, Mr. Stein and the undersigned to withdraw as Defendant's counsel.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed this 29th day of January 2013 in New York, New York.

/s/ George O. Richardson, III
George O. Richardson, III